Review Article

LGBTQ+ rights and health care in understanding India: A review

Afroj Ayyaj Shaikh[1*]

[1]Dept. of Pharmacology, Shri Siddhivinayak Institute of Pharmacy, Siddhatek, Maharashtra, India

Abstract

This review critically explores the intersection of LGBTQ+ rights and healthcare access in India, delving into the complex interplay between legal reforms, societal challenges, and healthcare equity. Despite progressive legal advancements, such as the decriminalization of homosexuality and recognition of transgender rights, systemic barriers continue to hinder access to inclusive healthcare for LGBTQ+ individuals. These barriers include discrimination, lack of awareness among healthcare providers, and inadequate policy implementation.

By analyzing insights from 22 studies and policy documents, this review identifies key areas requiring intervention, such as the integration of LGBTQ+ health needs into medical curricula, sensitization of healthcare professionals, and the creation of safe, stigma-free healthcare environments. Community initiatives play a vital role in bridging gaps by providing grassroots support and advocacy, yet sustained governmental commitment is essential for long-term change.

The review emphasizes that addressing healthcare disparities requires a multifaceted approach, combining legal reforms, policy enhancements, and active community engagement. Ensuring equitable healthcare access for LGBTQ+ populations is not merely a matter of policy but a fundamental aspect of human rights and social justice. This work underscores the urgent need for systemic reforms and collaborative efforts to foster an inclusive healthcare system that meets the diverse needs of India's LGBTQ+ communities.

Keywords: Healthcare, LGBTQ+ rights, Legal reforms.

1. Introduction

Globally, LGBTQ+ rights and healthcare access are recognized as fundamental human rights and public health priorities, yet disparities persist due to cultural, religious, and societal norms. In India, despite legal advancements such as the decriminalization of homosexuality and recognition of transgender rights, deep-rooted stigma and systemic barriers continue to restrict full inclusion. Discrimination in healthcare, employment, and public spaces remains prevalent, with many LGBTQ+ individuals facing challenges in accessing medical care, gender-affirming treatment, and mental health support. The persistence of colonial-era laws, societal prejudices, and inadequate legal protections further exacerbate these issues. Addressing these challenges requires comprehensive legal reforms, inclusive healthcare policies, and widespread sensitization programs to foster an equitable and just society where LGBTQ+ individuals can exercise their rights without fear or exclusion.

This review aims to synthesize existing research to examine the complex challenges affecting LGBTQ+ health and rights in India. It highlights systemic issues such as discrimination by healthcare providers, inadequate policy implementation, and societal stigma that continue to hinder equitable access to healthcare and social inclusion. Furthermore, it explores the intersection of legal, cultural, and institutional factors that shape the lived experiences of LGBTQ+ individuals, emphasizing the need for targeted interventions. Key areas for reform include strengthening legal protections, promoting inclusive healthcare policies, integrating LGBTQ+ health concerns into medical education, and fostering community-driven initiatives to bridge gaps in accessibility and acceptance. By addressing these barriers comprehensively, the review seeks to contribute to ongoing discussions on advancing LGBTQ+ rights, ensuring improved healthcare access, and fostering a society rooted in dignity, equality, and justice for all individuals.

*Corresponding author: Afroj Ayyaj Shaikh
Email: afrojs952@gmail.com

2. Legal Framework and Developments

2.1. Decriminalization of homosexuality

The 2018 Supreme Court verdict decriminalizing homosexuality under Section 377 marked a pivotal moment in India's legal history, affirming the rights and dignity of LGBTQ+ individuals. This ruling dismantled a colonial-era law that criminalized consensual same-sex relationships, signalling a progressive shift toward inclusivity, personal freedom, and human rights. It not only acknowledged the injustices faced by LGBTQ+ individuals but also set a precedent for future legal and social reforms aimed at eliminating discrimination.

However, the journey toward full equality remains incomplete. A critical gap persists in the absence of legal recognition for same-sex marriages and associated rights. This lack of recognition not only denies LGBTQ+ couples the economic and social benefits linked to marital status— such as inheritance rights, joint adoption, spousal health coverage, and tax benefits—but also reinforces societal and institutional inequities. Without legal protections, LGBTQ+ individuals remain vulnerable to discrimination in areas such as housing, employment, and healthcare, further marginalizing them within society.

To ensure comprehensive civil liberties and equal treatment, further legal reforms are necessary. A framework recognizing same-sex unions, anti-discrimination policies in workplaces and public institutions, and inclusive social welfare programs are essential steps toward true equality. Addressing these disparities is crucial for fostering an inclusive society that upholds the principles of equality, justice, and dignity for all individuals, regardless of their sexual orientation.[1,2]

2.2. Transgender rights

The Transgender Persons (Protection of Rights) Act, 2019 was enacted to safeguard the rights of transgender individuals by prohibiting discrimination and ensuring access to education, employment, and healthcare. However, its implementation has been inconsistent, with many transgender individuals still facing systemic barriers. The requirement for a Certificate of Identity contradicts the principle of self-identification, subjecting individuals to bureaucratic hurdles. Additionally, workplace discrimination and inadequate access to gender-affirming healthcare persist, limiting their opportunities for social and economic inclusion. Strengthening legal frameworks, enforcing anti-discrimination policies, and promoting trans-inclusive healthcare and employment opportunities are essential steps toward ensuring true equality and dignity for transgender individuals in India.[3,4]

2.3. Societal attitudes and cultural context

Cultural, religious, and societal norms play a pivotal role in shaping the acceptance and rights of LGBTQ+ individuals in India. Deeply ingrained traditional beliefs, often influenced by religious doctrines and colonial-era laws, have contributed to persistent stigma and discrimination against the LGBTQ+ community. While urban areas, particularly metropolitan cities, have witnessed increasing acceptance due to greater exposure to global perspectives, legal reforms, and advocacy efforts, rural regions remain largely conservative. In many parts of India, LGBTQ+ individuals continue to face social ostracization, familial rejection, and even violence due to rigid societal structures and a lack of awareness. The media, educational institutions, and grassroots organizations have been instrumental in gradually shifting perceptions, but sustained efforts are required to challenge deep-seated biases. Bridging this urban-rural divide and fostering nationwide inclusivity demand proactive awareness campaigns, inclusive policies, and community-driven initiatives to reshape cultural narratives surrounding LGBTQ+ identities.[5] Community-based initiatives, such as theatre and arts, play a transformative role in fostering LGBTQ+ acceptance in India. Street plays, films, literature, and art exhibitions provide powerful platforms to challenge deep-rooted stereotypes, initiate meaningful conversations, and cultivate empathy across diverse audiences. By weaving LGBTQ+ narratives into mainstream cultural expressions, these initiatives amplify marginalized voices, reshape societal perceptions, and encourage a more inclusive mindset. Their grassroots impact extends beyond raising awareness, fostering solidarity, and creating safe spaces that promote visibility, dignity, and social acceptance for LGBTQ+ individuals.[6]

3. Healthcare Challenges

3.1. Discrimination in healthcare settings

Discrimination in healthcare settings significantly impacts LGBTQ+ individuals, discouraging them from seeking essential medical care. In rural areas, where healthcare resources are already scarce, cultural biases further restrict access, leading to inadequate treatment and poorer health outcomes. Addressing this issue requires healthcare sensitization programs, inclusive policies, and legal protections to ensure equitable medical access for LGBTQ+ individuals across India.[1,8] Training healthcare providers through inclusive curricula is essential for reducing bias and enhancing the quality of care for LGBTQ+ individuals. By incorporating gender and sexuality sensitivity training into medical education, healthcare professionals can better understand and address the unique health challenges faced by LGBTQ+ patients. This approach fosters a more inclusive healthcare environment, ensuring equitable and respectful treatment for all individuals.[9]

3.2. Mental health disparities

LGBTQ+ individuals face significant mental health challenges, including higher rates of depression, anxiety, and suicidal ideation compared to the general population. These

issues are often compounded by societal stigma, discrimination, and rejection from families or communities. Barriers such as a lack of culturally competent mental health professionals and fear of biased treatment further limit access to essential care. Studies from other regions, such as Malaysia, underscore the global nature of these challenges, emphasizing the need for inclusive mental health services and policies that specifically address the unique psychological and emotional needs of LGBTQ+ individuals.[10,11]

3.3. HIV/AIDS and sexual health

The LGBTQ+ community in India faces a higher risk of HIV/AIDS due to social stigma, discrimination, and inadequate healthcare outreach. While the National AIDS Control Organization (NACO) has implemented programs to improve awareness and treatment accessibility, deep-rooted stigma continues to prevent many from seeking timely care. Marginalization and fear of disclosure further hinder efforts to control the spread of HIV. However, innovative approaches like community-led awareness campaigns, mobile clinics, and targeted interventions have shown promise in increasing healthcare engagement and reducing transmission rates. Strengthening such initiatives while addressing systemic biases is crucial for effective HIV/AIDS prevention and care.[12,13]

4. Policy and Community Initiatives

4.1. Government policies and reforms

Integrating LGBTQ+ health needs into national health policies is crucial for promoting equitable healthcare access. Recent efforts to include gender-affirming care in health insurance policies mark a progressive step, yet these reforms require sustained advocacy for full implementation. Additionally, evaluating the effectiveness of existing policies and identifying gaps in their implementation are crucial steps toward ensuring equitable healthcare access for LGBTQ+ individuals in India. Regular policy assessments, data-driven insights, and inclusive decision-making processes can help refine healthcare frameworks to better address the unique needs of the LGBTQ+ community. Strengthening accountability measures, enhancing resource allocation, and fostering collaboration between government agencies, healthcare providers, and LGBTQ+ advocacy groups are essential to bridging disparities and promoting a more inclusive healthcare system.

4.2. Role of NGOs and community-based organizations

Non-Governmental Organizations (NGOs) and community-based organizations (CBOs) serve as crucial intermediaries in advocating for LGBTQ+ rights, providing healthcare support, and combating stigma-related barriers. Peer-led support networks and community-driven outreach initiatives have proven effective in enhancing healthcare accessibility and fostering trust between LGBTQ+ individuals and healthcare providers. These organizations play a critical role in reducing healthcare disparities by providing targeted support, advocacy, and outreach programs tailored to the needs of marginalized LGBTQ+ communities. Through initiatives such as mobile health clinics, peer-led counseling, and educational workshops, they help bridge gaps in access to essential services. By fostering trust between LGBTQ+ individuals and healthcare providers, these organizations not only increase service uptake but also contribute to the creation of a more inclusive and stigma-free healthcare environment.

4.3. Educational and training reforms

Incorporating LGBTQ+ health issues into medical and nursing curricula is vital for fostering an inclusive healthcare system. Studies from Sweden and Canada highlight the positive impact of LGBTQ+-inclusive medical education, showing that training healthcare professionals in gender-affirming care improves patient outcomes and reduces discriminatory practices.[14] Programs focusing on empathy, cultural competence, and LGBTQ+ health equity are essential for enhancing healthcare delivery and ensuring dignified treatment for LGBTQ+ individuals. These initiatives help healthcare professionals develop a deeper understanding of the unique challenges faced by LGBTQ+ patients, reducing bias and fostering inclusive medical practices. Incorporating such training into medical and nursing curricula, alongside continuous professional development, can significantly improve patient-provider relationships, increase trust in healthcare systems, and ultimately lead to better health outcomes for LGBTQ+ individuals.[13]

4.4. Pathways forward

To strengthen LGBTQ+ rights and improve healthcare access, key recommendations include:

1. Reforming legal frameworks to mandate anti-discrimination laws in healthcare settings is crucial to ensuring equal access to medical services for LGBTQ+ individuals. Strengthening enforcement mechanisms, implementing clear guidelines, and promoting accountability within healthcare institutions can help eliminate biases and create a safer, more inclusive environment for all patients.

2. Promoting inclusive healthcare policies is crucial, especially in gender-affirming care, mental health support, and HIV/AIDS prevention, to ensure equitable and comprehensive medical access for LGBTQ+ individuals.

3. Enhancing interdisciplinary collaboration among policymakers, healthcare professionals, and LGBTQ+ advocates is crucial for developing inclusive policies, improving healthcare access, and addressing systemic disparities. Such partnerships can drive policy reforms, promote awareness, and ensure the implementation of equitable healthcare practices tailored to LGBTQ+ needs.

4. Expanding community engagement and awareness programs is essential to challenging societal stigma and fostering acceptance of LGBTQ+ individuals. Initiatives such as educational campaigns, public discussions, and media representation can help reshape perceptions, promote inclusivity, and create supportive environments for LGBTQ+ communities.[13]

By addressing these policy gaps and systemic barriers, India can make significant strides toward legal recognition, social acceptance, and equitable healthcare access for LGBTQ+ individuals. A multi-pronged approach, including robust anti-discrimination laws, inclusive healthcare policies, gender-affirming care, and mental health support is essential to bridging disparities. Additionally, collaborations between policymakers, healthcare providers, and LGBTQ+ advocacy groups can drive impactful reforms. Public awareness campaigns and educational initiatives will further help destigmatize LGBTQ+ identities, fostering a more inclusive, just, and progressive society where equal rights and healthcare access are guaranteed regardless of sexual orientation or gender identity.

5. Future Prospects and Challenges

Despite advancements in LGBTQ+ rights and healthcare in India, several challenges remain. Legal recognition of same-sex marriages, comprehensive anti-discrimination laws, and the integration of LGBTQ+ health needs into national policies are essential next steps.[14] Ensuring equitable access to healthcare requires sustained policy advocacy, increased funding for LGBTQ+ health programs, and expanded gender-affirming care services. Additionally, enhancing mental health support, particularly for LGBTQ+ youth, is critical in addressing the high prevalence of depression and suicide within the community.[15]

One of the biggest challenges is overcoming deeply ingrained societal stigma and resistance to LGBTQ+ inclusion, particularly in rural areas where cultural norms remain rigid. Misinformation, lack of awareness among healthcare providers, and limited legal protections further exacerbate disparities in access to care. Strengthening interdisciplinary collaboration among policymakers, healthcare professionals, and community organizations can help drive systemic change and improve healthcare outcomes. Public awareness campaigns, inclusive medical education, and grassroots activism will be instrumental in shaping a more inclusive and equitable healthcare system for LGBTQ+ individuals in India.

6. Conclusion

Despite progress in LGBTQ+ rights and healthcare access in India, discrimination, inadequate policies, and societal stigma continue to hinder full inclusion. While legal reforms such as the decriminalization of homosexuality and recognition of transgender rights have laid the groundwork for change, gaps remain in areas like anti-discrimination protections, gender-affirming care, and mental health services. Many LGBTQ+ individuals, particularly in rural areas, still face systemic barriers, including bias from healthcare providers and limited access to specialized medical services. Strengthening healthcare policies, increasing funding for LGBTQ+ health programs, and integrating LGBTQ+ needs into national healthcare strategies are essential for ensuring equitable access to care.

Collaboration among policymakers, healthcare providers, and community organizations is crucial in fostering a more inclusive healthcare system. Targeted awareness campaigns, culturally competent training for healthcare professionals, and community-driven initiatives can help reduce biases and improve healthcare accessibility. Additionally, educational institutions should integrate LGBTQ+ health concerns into medical curricula to ensure future generations of healthcare providers are equipped to deliver inclusive and sensitive care. Addressing these gaps requires sustained efforts at both institutional and grassroots levels to drive meaningful, lasting change.

By prioritizing legal reforms, public education, and advocacy, India can move towards a healthcare system that upholds dignity, equality, and accessibility for all. Public awareness initiatives, stronger policy enforcement, and inclusive healthcare infrastructure will play a vital role in ensuring that LGBTQ+ individuals receive the care and support they need without fear of discrimination. A holistic approach that combines legal, social, and medical interventions is necessary to create a truly inclusive and just society.

7. Source of Funding

None.

8. Conflict of Interest

None.

Reference

1. Heredia D, Pankey TL, Gonzalez CA. LGBTQ-affirmative behavioral health services in primary care. *Prim Care.* 2021;48(2):243–57.
2. Malta M. LGBTQ+ health: tackling potential health-care professionals' bias. *Nat Rev Dis Primers.* 2023;9(1):1.
3. McKenzie C, Mulé N, Khan M. Where is LGBTQ+ in Ontario's health care policies and programs? *Sex Res Soc Policy.* 2021;19:610–21.
4. Gnan GH, Rahman Q, Ussher G, Baker D, West E, Rimes K. General and LGBTQ-specific factors associated with mental health and suicide risk among LGBTQ students. *J Youth Stud.* 2019;22:1393–408.
5. Gisondi M, Bigham B. LGBTQ+ health: a failure of medical education. *Can J Emerg Med.* 2021;23(5):577–8.
6. Ho SH, Shamsudin AH, Liow JW, Juhari JA, Ling SA, Tan K. Mental healthcare needs and experiences of LGBT+ individuals in Malaysia: utility, enablers, and barriers. *Healthcare (Basel).* 2024 May 13;12(10):998.

7. Parmenter JG, Galliher RV, Wong E, Perez D. An intersectional approach to understanding LGBTQ+ people of color's access to LGBTQ+ community resilience. *J Couns Psychol.* 2021;68(6):629–41.

8. Chaudhary V, Saraswathy K, Sarwal R. Dietary diversity as a sustainable approach towards micronutrient deficiencies in India. *Indian J Med Res.* 2022;156:31–45.

9. Fulmali PV, Sapkal GN, Athawale S, Gore MM, Mishra AC, Bondre VP. Introduction of Japanese encephalitis virus genotype I, India. *Emerg Infect Dis.* 2011;17(2):319–21.

10. Klittmark S, Garzón M, Andersson E, Wells M. LGBTQ competence wanted: LGBTQ parents' experiences of reproductive health care in Sweden. *Scand J Caring Sci.* 2018;33(2):417–26.

11. Pufahl J, Rawat S, Chaudary J, Shiff NJ. Even mists have silver linings: Promoting LGBTQ+ acceptance and solidarity through community-based theatre in India. *Public Health.* 2021;194:252–9.

12. Shah SP. Queering critiques of neoliberalism in India: Urbanism and inequality in the era of transnational "LGBTQ" rights. *Antipode.* 2015;47:635–51.

13. Ghosh A. LGBTQ activist organizations as 'respectably queer' in India: Contesting a Western view. *Gend Work Organ.* 2015;22(1):51–66.

14. Navtej Singh Johar vs Union of India Ministry of Law. Supreme Court of India. 2018 Sep 6. Available from: https://indiankanoon.org/doc/168671544/

15. Manaktala K. Understanding Depression and Anxiety in the LGBTQIA+ Community and its Causes. *Int J Indian Psychol.* 2021;9(3):96–119.